IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

Plaintiff/Counter-Defendant,

V.

FIFTH THIRD BANK, BRITTANY
ROBERTS as Legal Guardian for C.A. a minor,
E.L.M. a minor, and THE ESTATE OF
RODNEY MAYS by and Through Its Personal
Representative,

Defendant/Counter-Plaintiff/ThirdParty Plaintiff,

V.

ESMY A. MARQUEZ GONZALEZ,

Third-Party Defendant.

No. 3:23-CV-2715-L-BN

ORDER

On October 10, 2024, the Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") (Doc. 37) was entered, recommending that the court grant Defendant/Counter-Plaintiff/Third-Party Plaintiff Fifth Third Bank's Motion for Default Judgment (Doc. 35) against Third-Party Defendant Esmy A. Marquez Gonzalez on its nonjudicial foreclosure or breach of contract claim. The Report further concludes that Fifth Third Bank is entitled to recover attorney's fees and costs and recommends that it be required to file an application, together with supporting documentation, establishing the amount of attorney's fees and costs to be awarded. No objections to the Report have been received or docketed as of the date of this order, and the deadline for filing objections has expired.

Having considered Fifth Third Bank's pleadings, the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and

accepts them as those of the court. Accordingly, the court grants Fifth Third Bank's Motion for Default Judgment (Doc. 35) against Third-Party Defendant Esmy A. Marquez Gonzalez on its nonjudicial foreclosure or breach of contract claim and determines that Fifth Third Bank is entitled to recover attorney's fees and costs, the amount of which will be determined at a later date. The court will issue a default judgment by separate document, as required by Federal Rule of Civil Procedure 58, in favor of Fifth Third Bank in accordance with this order. Any request by Fifth Third Bank to recover a particular amount of attorney's fees and costs must be filed postjudgment in accordance with Federal Rule of Civil Procedure 54(d)(2).

It is so ordered this 25th day of October, 2024.

Sam Q. Sindsay

United States District Judge